

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>DIMAS LOPEZ, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>8:06CV459</b>
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>TYSON FOODS, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the court after a telephone conference with counsel for the parties on January 30, 2008. Prior to the court making any determination as to whether or not certification of a class is proper, the court will require the parties to present evidence at a certification hearing, following which the undersigned magistrate judge shall issue a report and recommendation to Chief Judge Bataillon. The motions regarding class certification (Filing Nos. 67 and 69) now being fully briefed, the certification hearing is scheduled below.

**IT IS ORDERED:**

**On February 25, 2008, at 1:30 p.m.,** an evidentiary hearing will be held before the undersigned United States Magistrate Judge in Courtroom No. 7, Second Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska to consider the class action issues under Fed. R. Civ. P. 23 and the FLSA, 29 U.S.C. § 216(b). At the hearing, the parties may present extracts of depositions, interrogatories, and documentary evidence relevant to any factual dispute, and only upon a showing of good cause will a party be permitted to call a witness to testify in person at the hearing.

DATED this 31st day of January, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge